

# 18

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL****Address to:**Assistant Commissioner for Patents  
Box RCE  
Washington, D.C. 20231

Application Number	09/459,138
Filing Date	December 10, 1999
First Named Inventor	Larry K. Johnson
Group Art Unit	1733
Examiner Name	John T. Haran
Attorney Docket Number	7040R
Confirmation Number	9687

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

**1. Submission required under 37 C.F.R. § 1.114****a. [X] Previously submitted**

- ☒ i. [X] Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on 6 Nov. 2001  
(Any unentered amendment(s) referred to above will be entered).

ii. [ ] Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

iii. [ ] Other \_\_\_\_\_

**b. Enclosed**

i. [ ] Amendment/Reply

ii. [ ] Affidavit(s)/Declaration(s)

iii. [ ] Information Disclosure Statement (IDS)

iv. [X] Other Applicants' Statement of Substance of Interview

**2. Miscellaneous**

- a. [ ] Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. [ ] Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

[X] The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 16-2480.

- i. [X] RCE fee required under 37 C.F.R. § 1.17(e)
- ii. [ ] Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. [ ] Suspension of action fee under 37 C.F.R. 1.17(i)
- iv. [ ] Other \_\_\_\_\_

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

NAME (Print/Type) Michael P. Hayden

Reg. No. (Attorney/Agent) 48,433

SIGNATURE

*Michael P. Hayden*DATE 8 Oct 2002**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

NAME (Print/Type) Donna M. Leidenheimer

SIGNATURE

*Donna M. Leidenheimer*DATE Oct. 8, 2002

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(Revised for P&amp;G use 4/22/02)

10/17/2002 AHONDAF1 00000094 162480 09459138

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COPY OF PATENT  
ORIGINALLY FILED

#17 PTO/SB/64 (10-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
**7040R**

First Named Inventor: Larry K. Johnson, et al.

Application No.: 09/459,138

(Art Unit: 1733)

Filed: December 10, 1999

Examiner: John T. Haran

Title: METHOD FOR MAKING A SEAM FOR USE IN DISPOSABLE ARTICLES

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

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NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Large entity - fee \$1,280.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in the form of After Final Reply (identify type of reply):

☒ has been filed previously on 6 Nov 2001  
☐ is enclosed herewith.

B. The issue fee of \$

☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box DAC, Washington, D.C.

10/17/2002 AHONDAF1 00000132 162480 09459138

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_ for a large entity disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

5. ☒ Authorization is given to charge Deposit Account No. 16-2480 for any fees required in connection with submission of this petition. A duplicate copy of this correspondence is enclosed to facilitate charging of the fees

8 Oct 2002  
Date

Michael P. Hayden  
Signature

## Telephone

Number: (513) 626-5800

Michael P. Hayden

Typed or printed name

CUSTOMER NO.: 27752

- Enclosures: ☒ Fee Payment  
☐ Reply  
☐ Terminal Disclaimer Form  
☐ Additional sheets containing statements establishing unintentional delay  
☒ RCE Transmittal; Applicants' Statement of Substance of Interview

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Oct. 7, 2002  
Date

Donna M. Leidenheimer  
Signature

Donna M. Leidenheimer

Typed or printed name of person signing certificate



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ORIGINALLY FILED

Case 7040R

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

JOHNSON, ET AL.

Serial No. 09/459,138

Filed: December 10, 1999

For: METHOD FOR MAKING A SEAM FOR USE IN DISPOSABLE ARTICLES

Confirmation No. 9687

Group Art Unit: 1733

Examiner: John T. Haran

APPLICANTS' STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents

Washington, D.C. 20231

In the Interview Summary (Form PTO-413) attached to the Notice of Abandonment (Form PTO-1432) of the subject application, both mailed on 15 July 2002, the Examiner summarized the substance of the noted telephonic interviews on a continuation sheet signed by Michael Ball, the Examiner's S.P.E. However, the box on the Interview Summary form is not checked to indicate that it is not necessary for applicants to provide a separate statement of the substance of the noted telephonic interviews. Accordingly, this separate statement is being provided to ensure that all pertinent requirements to record the interview are met.

- Applicants' agent concurs that the statements in the Examiner's Interview Summary describe the general nature of the substance of the telephonic conversations.

Respectfully submitted,

FOR: LARRY K. JOHNSON ET AL.

By: Michael P. Hayden

Michael P. Hayden

Agent for Applicants

Registration No. 48,433

(513) 626-5800

7 October 2002

Customer No. 27752

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